



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Department of Health
VAC Chapter Number:	5
Regulation Title:	Sanitary Regulations for Hotels
Action Title:	Final Adoption
Date:	1/08/02

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package .

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The Sanitary Regulations for Hotels establishes minimum sanitary standards for operating hotels. These standards include standards for cleanliness and storage of linens, vector control, solid waste collection and disposal, operations of food service, operation of swimming pools or spas, and general sanitation of the rooms and facility. The regulations also inform potential hotel owners or operators how to obtain a permit to operate a hotel.

Changes Made Since the Proposed Stage

Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.

The minimum separation between beds was changed from 30 inches to 24 inches (12 VAC 5-431-450). The definition of a bed and breakfast facility was changed (per Bed and Breakfast Association request) to include more facilities

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The State Board of Health adopted the Sanitary Regulations for Hotels as final regulations on December 7, 2001 and concurrently repealed the existing Transient Lodging and Hotel Sanitation regulations, effective March 1, 2002.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The regulations are authorized and mandated by Sections 3 5.1-11 and 35.1-13 of the Code of Virginia. The code requires the regulations to provide minimum standards for the following: food preparation and handling; physical plant sanitation; the provision, storage, and cleaning of linens and towels; general housekeeping and maintenance practices; requirements for approved water supply and sewage disposal systems; vector and pest control; swimming pools, saunas, and other facilities, including personnel standards for the operation thereof, ice machines and dispensers of perishable food items; and procedures for obtaining a license.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is

essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The purpose of the regulations is to ensure that tourists and overnight guests have safe and sanitary lodging accommodations while traveling in the Commonwealth. These regulations provide minimum standards for, but not limited to the following: food preparation and handling; physical plant sanitation; the provision, storage, and cleaning of linens and towels; general housekeeping and maintenance practices; requirements for approved water supply and sewage disposal systems; vector and pest control; swimming pools, saunas, and other facilities, including personnel standards for the operation thereof, ice machines and dispensers of perishable food items; and procedures for obtaining a license. The minimum standards in the regulations, when followed, will protect the lodging public's health, safety and welfare.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The regulations are an update from the existing regulations that were effective in 1965. The most important revision to the regulations is the removal of the requirement for a minimum annual inspection of hotels. Over the years market competition has nearly made the hotel industry self-regulating. However, there remains a need to identify minimum standards for hotel sanitation. A percentage of hotels will be randomly inspected annually.

The regulations include a requirement for automatic ice dispensing machines as opposed to common ice bins. This will prevent contamination of the ice, whether intentional or unintentional, by other guests. Hotels will have two years after the adoption of the regulations to convert to automatic ice dispensing machines. Most hotels have already switched to automatic ice machines.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage of the regulations is that they set forth standards for sanitary maintenance of hotels. The public expects their hotel rooms to be clean and sanitary. These regulations are less intrusive than the previous regulations but they still prescribe minimum acceptable sanitary

standards for hotels. Tourism is a major industry in Virginia and it is important that hotels provide healthy and sanitary accommodations for the lodging public. These regulations also give the local health department the freedom to concentrate their resources on programs and facilities that need more thorough scrutiny. There are no disadvantages to the regulations.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

Only two comments were received. Industry requested the minimum separation between beds be reduced from 30 inches to 24 inches and the Bed and Breakfast Association requested changes to the definition of a Bed and Breakfast Facility. Both suggestions were accepted and the regulations changed accordingly.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

The minimum separation between beds was changed from 30 inches to 24 inches (12 VAC 5-431-450). The definition of a bed and breakfast facility was changed (per Bed and Breakfast Association request) to include more facilities.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

These regulations should not have any impact on the institution of the family and family stability